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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRAN, PHILIP B	

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,188	ALCAZAR ET AL.	
	Examiner	Art Unit	
	Philip B. Tran	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/13/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1-3D should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-34 of the instant application is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over some claims of U.S. Patent No. 6,973,624.

Regarding claim 1, claim 1 of U.S. Patent No. 6,973,624 contains every element of claim 1 of the instant application and as such anticipate claim 1 of the instant application.

Regarding claim 2, claim 2 of U.S. Patent No. 6,973,624 contains every element of claim 2 of the instant application and as such anticipate claim 2 of the instant application.

Regarding claim 3, claim 3 of U.S. Patent No. 6,973,624 contains every element of claim 3 of the instant application and as such anticipate claim 3 of the instant application.

Regarding claim 4, claim 4 of U.S. Patent No. 6,973,624 contains every element

of claim 4 of the instant application and as such anticipate claim 4 of the instant application.

Regarding claim 5, claim 5 of U.S. Patent No. 6,973,624 contains every element of claim 5 of the instant application and as such anticipate claim 5 of the instant application.

Regarding claim 6, claim 6 of U.S. Patent No. 6,973,624 contains every element of claim 6 of the instant application and as such anticipate claim 6 of the instant application.

Regarding claim 7, claim 1 of U.S. Patent No. 6,973,624 contains every element of claim 7 of the instant application and as such anticipate claim 7 of the instant application.

Regarding claim 12, claim 33 of U.S. Patent No. 6,973,624 contains every element of claim 12 of the instant application and as such anticipate claim 12 of the instant application.

Regarding claim 13, claim 27 of U.S. Patent No. 6,973,624 contains every element of claim 13 of the instant application and as such anticipate claim 13 of the instant application.

Regarding claim 24, claim 27 of U.S. Patent No. 6,452,915 contains every element of claim 24 of the instant application and as such anticipate claim 24 of the instant application.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

It appears that claim 1 would reasonably be interpreted by one of ordinary skill as a system of software per se, failing to fall within a statutory category of invention. As such, a software program alone is not a machine, and it is clearly not a process,

manufacture nor composition of matter. Also, claims 2-6 do not resolve the deficiencies of their parent claims. Thus, claims 1-6 are not limited to statutory subject matter and are therefore nonstatutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-34 are rejected under 35 U.S.C. 102(a) as being anticipated by Admitted Prior Art (Hereafter, APA), Specification of the Instant Application (Figs. 1-3D and Col. 1, Line 15 to Col. 6, Line 19].

Regarding claim 1, APA teaches in a computer system including a display, a user input facility, and an application for presenting user interfaces on the display, a Web-style application comprising:

one or more page functions (= full-screen pages), each page function comprising:

a set of exposed attributes, wherein first subset of the set of exposed attributes defines types of information receivable by the page function, and a second subset of the set of exposed attributes defines types of information returnable by the page function, and wherein the types of information returnable by the page function are strongly typed (= types of information such as "pay a bill", "balance an account" or "track your stock portfolio") [see Figs. 1-3D and Col. 1, Line 62 to Col. 2, Line 67];

a set of page function services, including an activate service and a complete service, both services being invocable to execute a decision selected from a group consisting of a decision to finish, a decision to show the user interface page, and a decision to create a new page function (= selecting a task and finish a task, showing a next page and canceling or going back to previous page) [see Figs. 1-3D and Col. 1, Line 62 to Col. 3, Line 46]; and

user interface elements to be displayed on the display [see Figs. 1-2]; and

a frame (= shared frame 201), the frame comprising:

a set of frame services, the set of frame services including a navigate service and a finish service, wherein the navigate service being invocable by a page function to cause the frame to invoke the activate service of another page function and cause the other page function to perform a task, and wherein the finish service being invocable by the other page function to cause the frame to invoke the complete service of the page function (= shared frame 201 with tools for navigation such as "a back button," "a forward button" and "a home button") [see Fig. 2]; and

a data structure, wherein the data structure stores data that identifies each page function to which the frame has navigated, and relationships among page functions (= database with data structure) [see Figs. 3A-3D and Col. 3, Line 61 to Col. 4, Line 58].

Regarding claims 2-3, APA further teaches the Web-style application of claim 1, wherein the set of exposed attributes includes an identifier that uniquely identifies the

page function and wherein the data structure includes one or more nodes, each node containing the identifier of a corresponding page function to which the frame has navigated, each node further containing a link to another node if the other node cause the frame to navigate to the node [see Figs. 1-3D].

Regarding claims 4-6, APA further teaches the Web-style application of claim 1, wherein the frame further comprises a binding to a frame user interface page and wherein the frame user interface page has a frame window with a periphery and a region within the periphery of the frame window for showing the user interface elements of a page function and wherein the frame window includes a back facility that, in response to an input received from the user input facility, causes the previously displayed user interface elements of a page function to be redisplayed [see Figs. 1-2 and Col. 1, Line 62 to Col. 3, Line 60].

Regarding claim 7, APA teaches in a computer system including a display, a user input facility, and an application for presenting user interfaces on the display, one or more page functions being stored on a computer-readable medium as a data type, each page function (a full-screen page) comprising:

a set of exposed attributes accessible externally to the page function, wherein a first subset of the set of exposed attributes define types of information receivable by the page function, and a second subset of the set of exposed attributes define types of information returnable by the page function, and wherein the exposed attributes that

define types of information returnable by the page function are strongly typed (= types of information such as "pay a bill", "balance an account" or "track your stock portfolio") [see Figs. 1-3D and Col. 1, Line 62 to Col. 2, Line 67];

a set of page function services including an activate service and a complete service, both services being invocable to execute a decision selected from a group consisting of a decision to finish, a decision to show user interface elements, and a decision to create a new page function (= selecting a task and finish a task, showing a next page and canceling or going back to previous page) [see Figs. 1-3D and Col. 1, Line 62 to Col. 3, Line 46]; and

user interface elements operable to be displayed on the display [see Figs. 1-2].

Regarding claims 8-9, APA further teaches the page function of claim 7, wherein the activate service has a set of parameters, each corresponding to one of the first subset of exposed attributes and wherein the complete service has a set of parameters, a portion of the set of parameters identifying another page function created by the page function to perform a second task, another portion of the set of parameters corresponding to one of the second subset of exposed attributes [see Figs. 1-3D and Col. 1, Line 62 to Col. 2, Line 67].

Regarding claim 10, APA further teaches the page function of claim 7, further comprising an identifier for identifying each instance of the page function [see Figs. 1-3D].

Regarding claim 11, APA further teaches the page function of claim 7, wherein the user interface elements may be selectively displayed on the display [see Figs. 1-2].

Claim 12 is rejected under the same rationale set forth above to claim 1.

Claim 13 is rejected under the same rationale set forth above to claim 7.

Regarding claims 14-17, APA further teaches the computing environment of claim 13 wherein the exposed interface function is explicitly defined according to a specific type of information returnable by the page function and wherein the specific type of information returnable by the page function is an integer and wherein the specific type of information returnable by the page function is a character string and wherein the specific type of information returnable by the page function is a Boolean value [see Figs. 1-3D and Col. 1, Line 62 to Col. 2, Line 67].

Regarding claims 18-22, APA further teaches the computing environment of claim 13 wherein the exposed interface function requires a parameter for identifying the specific type of information returnable by the page function and wherein the exposed interface function is a template-style interface function and wherein the required parameter for identifying the specific type of information returnable by the page function is an integer identifier, and wherein the specific type of information returnable by the page function is an integer and wherein the required parameter for identifying the

specific type of information returnable by the page function is an character string identifier, and wherein the specific type of information returnable by the page function is an character string and wherein the required parameter for identifying the specific type of information returnable by the page function is an Boolean identifier, and wherein the specific type of information returnable by the page function is Boolean value [see Figs. 1-3D and Col. 1, Line 62 to Col. 3, Line 46].

Regarding claim 23, APA further teaches the computing environment of claim 13, wherein the first subset of the set of exposed attributes defining types of information receivable by the page function includes an add return delegate function which, when invoked with a parameter identifying a return delegate routine, enables the page function to return its information [see Figs. 1-2].

Claims 24-34 are rejected under the same rationale set forth above to claims 13-23.

Other References Cited

8. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Xu et al, U.S. Pat. Application Pub. No. US 2002/0070961 A1.

B) Egli, U.S. Pat. No. Application Pub. No. US 2003/0084120 A1.

C) Chakrabarti et al, U.S. Pat. No. 6,334,131.

D) Erickson, U.S. Pat. No. 7,047,241.

E) Lawrence et al, U.S. Pat. No. 6,999,959.

F) Marcos et al, U.S. Pat. No. 6,262,729.

G) Jiang, U.S. Pat. No. 6,564,375.

H) Hirsch, U.S. Pat. No. 6,282,547.

I) Mukundan et al, U.S. Pat. No. 7,203,948.

J) Malik et al, U.S. Pat. No. 6,023,701.

K) Douglis et al, U.S. Pat. No. 7,216,297.

L) Clark et al, U.S. Pat. No. 6,918,088.

9. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Tran

PHILIP TRAN
PRIMARY EXAMINER
Art Unit 2155
June 04, 2007